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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 MARIA HERRERA,

11 Plaintiff,

12 vs.

13 COSTCO WHOLESALE CORPORATION DBA
14 COSTCO WHOLESALE, COSTCO
WHOLESALE INTERNATIONAL, INC., DOE
15 MAINTENANCE EMPLOYEE, DOE
EMPLOYEE, DOE JANITORIAL EMPLOYEE,
16 DOE OWNER, I-V, ROE OWNERS, ROE
EMPLOYER, and ROE COMPANIES,

17 Defendants.
18

CASE NO.: 2:15-cv-01278

**STIPULATION AND ORDER TO
DISMISS, WITHOUT PREJUDICE**

19 Plaintiff, MARIA HERRERA, by and through her attorneys of record, RYAN M.
20 ANDERSON and KIMBALL JONES, of the law offices of MORRIS ANDERSON, and
21 Defendants, COSTCO WHOLESALE CORPORATION and COSTCO WHOLESALE
22 INTERNATIONAL, INC. (collectively, "Defendants"), by and through their attorneys of record,
23 KYM SAMUEL CUSHING and JOSEPH C. CHU, of the law offices of WILSON, ELSE,
24 MOSKOWITZ, EDELMAN & DICKER LLP, hereby stipulate and agree as follows:

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IT IS HEREBY STIPULATED that Defendant COSTCO WHOLESale INTERNATIONAL, INC. shall be dismissed from the above-captioned matter, without prejudice. The parties hereby further stipulate and agree that the statute of limitations for Plaintiff to re-assert causes of action against Defendant COSTCO WHOLESale INTERNATIONAL, INC. shall remain ongoing through the close of discovery in this matter. Moreover, if Plaintiff finds cause to re-name Defendant COSTCO WHOLESale INTERNATIONAL, INC. as a defendant in this lawsuit and to re-assert causes of action against Defendant COSTCO WHOLESale INTERNATIONAL, INC., then Plaintiff may amend her Complaint accordingly and Defendants explicitly agree that the statute of limitations has been satisfied and that Defendants' counsel will accept service on behalf of Defendant COSTCO WHOLESale INTERNATIONAL, INC. should it re-enter the lawsuit at any time before the close of discovery.

It is further hereby stipulated and agreed that the parties' agreement to dismiss Defendant COSTCO WHOLESale INTERNATIONAL, INC., pursuant to the foregoing terms, shall not constitute a waiver of, or otherwise impact, Plaintiff's right to oppose Defendant COSTCO WHOLESale CORPORATION's pending Notice of Removal, on file herein. (Dkt. 1).

Dated this 6th day of July, 2015.

Dated this 6th day of July, 2015.

WILSON, ELSEr, MOSKOWITZ,
EDELMAr & DICKER, LLP

MORRIS ANDERSON

/s/ Kym Samuel Cushing
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Attorneys for Plaintiff

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ORDER

Upon stipulation of the parties, and good cause appearing, IT IS HEREBY ORDERED that, in the matter entitled, *Maria Herrera v. Costco Wholesale Corporation, et al.*, Case No. 2:15-cv-01278, Defendant COSTCO WHOLESALE INTERNATIONAL, INC. shall be dismissed, without prejudice. IT IS FURTHER HEREBY ORDERED that the statute of limitations for Plaintiff MARIA HERRERA to re-assert causes of action against Defendant COSTCO WHOLESALE INTERNATIONAL, INC. shall remain ongoing through the close of discovery in this matter and that Defendants' counsel will accept service on behalf of and will not oppose Plaintiff should Plaintiff find cause to re-name and re-assert causes of action against Defendant COSTCO WHOLESALE INTERNATIONAL, INC. in this action prior to the close of discovery.

IT IS FURTHER HEREBY ORDERED that the dismissal of Defendant COSTCO WHOLESALE INTERNATIONAL, INC., pursuant to the foregoing terms, shall not constitute a waiver of, or otherwise impact, Plaintiff's right to oppose Defendant COSTCO WHOLESALE CORPORATION's pending Notice of Removal, on file herein. (Dkt. 1).

IT IS SO ORDERED.

Dated: July 7, 2015.



U.S. DISTRICT COURT JUDGE

Respectfully Submitted:

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER, LLP

/s/ Kym Samuel Cushing
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